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Committee to Recall Councilmember Jeannine Pearce

Press Release

Committee to Recall Councilmember Jeannine Pearce Announces Formation

Long Beach, Cal., August 25, 2017:

The **Committee to Recall Councilmember Jeannine Pearce** was formed today in response to the unethical, extremely inappropriate, and apparently illegal behavior of Councilmember Pearce (City of Long Beach, 2nd Council District) over the last nine months which has been publicly reported and for which the councilmember has provided neither her 2nd District constituents nor the city at large any semblance of an explanation whatsoever.

The reason Councilmember Pearce has not been forthright with the public, at this late date, is very clear: There exists no viable, honest accounting of her conduct and relationship with former chief of staff Devin Cotter which would avoid shattering the public trust with which she has been vested. It is essential for an elected official to maintain the basic faith and confidence of her constituents in order to perform her duties as public trustee and as the district community's leader, reputational representative, and role model to its youth. The recall process was created in 1911 by California's progressive reformers to spare the community further harm when that faith has been broken. Councilmember Pearce, while duly elected last year, has since revealed herself to be unbecoming of her office and therefore has no one to blame but herself for this recall process.

Specifically, due to the total absence of explanation or transparency, despite numerous demands from 2nd District residents directly to Councilmember Pearce at City Council meetings, as well as on [facebook](#) and Nextdoor.com, the charges—based on widespread public reporting—which we are forced to conclude Councilmember Pearce is guilty of, are as follows:

- **Physical assault and domestic violence** – perpetrated by Councilmember Pearce against Devin Cotter on June 3rd, 2017. Evidenced by initial CHP call back to dispatch from scene at roughly 2:40 a.m., and by confirmation by his attorney that Cotter suffered injuries to face and arm (provable or disprovable by release of Cotter's mug shot, which the City has withheld without substantive justification and despite multiple Cal. Public Records Act requests).
- **Sexual harassment** – perpetrated by Councilmember Pearce against Devin Cotter starting at an unspecified date and ending in December 2016 with the City Attorney-arranged

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“separation agreement”, leading to his apparent departure from City Hall employment while remaining on the City payroll and agreeing not to sue the City. Given that a sexual relationship between a superior and a subordinate is inherently unequal and coercive, we must presume, with no transparency on this matter either from the City or Pearce, that Cotter intended to sue the City for sexual harassment suffered at the hands of Pearce and was bought off with an informal severance in the form of receipt of his salary, from mid Dec. 2016 through Feb. 2017, while no longer working at City Hall nor being able to function in his role as 2nd District Chief of Staff.

- **Conspiracy to commit fraud for purposes of a cover-up** – Councilmember Pearce’s role in the above mentioned “separation agreement” begs the question whether she insisted on buying off Cotter’s silence with a severance in the form of employment fraud against the City. It is widely known that Cotter was not seen working at City Hall after mid-December, while continuing to draw his substantial salary. We must conclude, with no light shed on this matter either by Pearce or the City, that Councilmember Pearce encouraged and facilitated this apparent employment fraud on the part of her immediate subordinate staff member.
- **Unethical conduct relating to officeholder account and outside consulting** – Further evidence that Cotter immediately ceased his work at City Hall while remaining on the city taxpayers’ employment rolls can be found in the California Secretary of State’s business registration filings which show that Devin Cotter incorporated a brand new firm, Bullhorn Consulting, on Dec. 21, 2016. Very oddly, he subsequently filed papers showing the CEO of Bullhorn Consulting to be none other than his replacement, Pearce’s current chief of staff, Christian Kropff. Was the plan to use the power of the council office to direct City or City-influenceable business toward Bullhorn, facilitated by Kropff, in order to maintain Cotter’s continued silence? No explanation for Kropff’s role as CEO of an outside consulting firm while simultaneously serving as 2nd District Chief of Staff has been provided. Furthermore, Cotter was directly paid \$2,250 for “strategic policy consulting, February-April” out of the 2nd District Officeholder account. What was that cash really for? More hush money? No explanation *whatsoever* has been provided by Pearce.
- **Likely DUI and improper special treatment by law enforcement** – As the *Press-Telegram* and *Beachcomber* columnist Stephen Downing have detailed (see Press Coverage addendum), Councilmember Pearce had an elevated Blood Alcohol Content in the early morning of June 3rd, 2017 while operating a vehicle (with Cotter as passenger), which when discovered by CHP, was in a highly unusual position on or near the 710 Freeway. Published accounts, stemming from sources within LBPD, allege that both Pearce and Cotter received extraordinary special treatment from LBPD officers after they arrived in support of CHP. Accusations, supported by circumstantial evidence from police radio logs, include that Pearce was given a great deal of bottled water and extra time to allow her BAC to diminish to a 0.06,

below the definite 0.08 DUI cutoff, though anything above 0.05 is considered unsafe while simultaneously experiencing emotional distress (which must certainly have been the case given the evidence of domestic violence in the vehicle). Furthermore, police failed to arrest Cotter on a \$50,000 outstanding warrant, which could not possibly have been an oversight given the simplicity of the Justice Data Interface Controller (JDIC) network used by law enforcement to run IDs for outstanding warrants. We do not know if Councilmember Pearce 'pulled rank' and demanded special treatment for herself, as well as Cotter, as a councilmember or if she received special treatment under LBPd's acknowledged "VIP Program" (for notifying chain of command in the case of high profile individuals in police contact), or even, as has been alleged, whether the police report on the incident was changed to protect her at LBPd headquarters later that day. We do know that absolutely no information has been provided to the public about what really happened that night. The first step, would be for Pearce herself to come forward and provide an explanation, followed by LBPd releasing to the public its Internal Affairs investigation report, which was subsequently undertaken and closed without substantive comment or action.

- **Other possible issues** – the Committee to Recall Jeannine Pearce has taken great pains to confine its charges against Pearce to the facts. There are many rumors swirling in the community about other indiscretions of Pearce's, ranging from personal behavior to campaign finance improprieties leading up to her election in 2016. While the Committee has no interest in unsubstantiated rumors, it does encourage any member of the public with proof of Pearce improprieties, unethical, and/or illegal behavior to contact us, if necessary anonymously to prevent retaliation.

The Committee to Recall Councilmember Jeannine Pearce has been spearheaded by a group of longtime passionate 2nd District activists, including Chuck Barrick, Jonathan Crouch, Lauren Boland, Gary Harrison, and others. They have provided the following quotes:

Jonathan Crouch: "Jeannine Pearce has displayed a disregard, if not a contempt for the residents of the 2nd district that she was elected to represent. Additionally, her reckless behavior has cast doubt on her ability to effectively address the needs of the district."

Gary Harrison: "Her personal business is her personal business. But preferential treatment for herself and for the former staff member with whom she was having an affair is not acceptable. We are paying our council persons to, before all else, respect the laws which they themselves help enact. And no official should allow his or her personal chaos to dishonor the city and disrupt the people's business in City Hall offices."

Lauren Boland: "I'm just so tired of politicians promising to be the best, the most transparent, the most honest, the most caring before they get elected, then governing with such arrogance and impunity that they don't even believe that the law applies to themselves. I guess the law is for the rest of us, not the

powerful. It's time that changed. And I also hate the disrespect shown to our rank and file police just trying to do their jobs the right way."

Chuck Barrick: "This behavior is damaging to the reputation of the City of Long Beach. We ask that she submit her resignation. It's what's in the best interests of the city and in the best interests of the people who elected her. Many of them feel misled by Jeannine and are truly disappointed."

The purpose of this committee is, first and foremost, to convince Councilmember Pearce to do the right and honorable thing for the 2nd District community and the City of Long Beach and simply to resign. Given that she is clearly unable to explain her behavior, we hope that she will look within and see the futility of continuing the charade.

However, we are fully prepared to pursue the recall process to its conclusion, through the gathering of signatures to put a recall election on the ballot and ultimately to win the vote to recall her from office. Furthermore, we intend to make our voice heard wherever useful, including at City Council meetings, and to continue to shed light on the Pearce Scandal and thus pressure responsible parties in our shared civic life to lean on Pearce and to ask her to do the right thing for the sake of an accountable and honorable 2nd District and City of Long Beach.

The consultant for the committee is the campaign and governmental affairs firm Adouki & Associates. Media inquiries should be directed to Ian Patton, Adouki & Assoc., (562) 270-5496. The Committee's Statement of Organization (Form 410) will be sent to the California Secretary of State and filed with the Long Beach City Clerk later today. The Committee will commence fundraising next week.

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Press Coverage of Pearce Scandal

- “Did Councilperson Jeannine Pearce get VIP Treatment from the LBPD?”, *Beachcomber*, June 7, 2017
- “Confrontation with Long Beach councilwoman leads to arrest of her former staffer”, *Press-Telegram*, June 7, 2017
- “Councilwoman Jeannine Pearce Detained, Ex-Chief of Staff Arrested After Weekend Incidents; LBPD Investigation Ongoing”, *LBPost.com*, June 8, 2017
- “Did Councilperson Get LBPD VIP Treatment?”, *Beachcomber*, June 8, 2017
- “City severed ties between Long Beach councilwoman and staffer months before arrest”, *Press-Telegram*, June 9, 2017
- “What Happened In Predawn Hours of June 3 That Led LBPD To Administer Field Sobriety Test To Long Beach Councilwoman Jeannine Pearce”, *LBReport.com*, June 10, 2017
- “CHP Was On Scene Of Pearce-Cotter Incident (Shoreline Dr.) With LBPD For Roughly 90 Minutes, CHP Recs Indicate”, *LBReport.com*, June 22, 2017
- “Open Letter to LBPD Regarding Councilwoman Pearce Cover-up”, *Beachcomber*, June 27, 2017
- “UPDATE: With Both Sides Lawyered-Up, Councilwoman Pearce Alleges She Was A Victim Of Domestic Violence; Her Former Chief of Staff Cotter Says He Wasn't Perpetrator Of That Conduct...”, *LBReport.com*, June 27, 2017
- “Pearce Says She Has Been Victim Of Domestic Violence”, *Gazettes*, June 27, 2017
- “City Hall Stonewall on Councilwoman Pearce Hardens”, *Beachcomber*, June 29, 2017
- “Former Long Beach staffer charged with public intoxication in Pearce case”, *Press-Telegram*, June 30, 2017
- “Former Long Beach City Hall staffer arrested hours after 'heated argument' with city councilwoman”, *LA Times*, July 7, 2017
- “Councilwoman Pearce, Former Chief Of Staff Target Of Two Investigations”, *Gazettes*, July 13, 2017
- “DA Investigating Allegations of ‘Inappropriate Behavior’ and ‘Potential Conflicts of Interest’ Involving Councilwoman Pearce, Ex-Chief of Staff”, *LBPost.com*, July 14, 2017

- “Domestic violence probe into LB councilwoman, ex-employee widens to other alleged misconduct”, *Press-Telegram*, July 14, 2017
- “Sustained pain - LB Councilmember Pearce’s allegations of domestic violence involve threats and harassment”, *Signal Tribune*, July 14, 2017
- “Transparency Breeds Trust”, *Beachcomber*, July 14, 2017
- “Stephen Downey Updates Us On The Jeannine Pearce Case That He Broke”, Long Beach Local News, July 25, 2017
- “City Prosecutor Haubert Cites Need To Avoid Possible Appearance of Conflicting Interest (Since Council Votes On His Office Budget) In Handing Matter Involving Councilwoman Pearce Back...”, *LBReport.com*, July 26, 2017
- “Long Beach City Prosecutor Turns Pearce Domestic Violence Case Back To DA”, *Gazettes*, July 26, 2017
- “Long Beach prosecutor turns Pearce criminal case back to D.A., citing potential conflict”, *Press-Telegram*, July 26, 2017
- “Long Beach councilwoman paid former staffer for work after he was terminated, records show”, *Press-Telegram*, August 1, 2017
- “Second District Residents Mulling Recall Of Councilwoman Pearce Amid Ongoing Investigation”, *LBPost.com*, August 2, 2017
- “Long Beach councilwoman drank before driving; police said it wasn’t a DUI. Were they right?”, *Press-Telegram*, August 7, 2017
- “Has the Pearce Cover-up Been Put to Rest?”, *Beachcomber*, August 18, 2017